

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

YASMIENE RAEVONNE BLANTON,

Defendants.

**4:18CR3127**

**ORDER**

Defendant has moved for a review of the detention order and requests a hearing. (Filing No. 95). As the court's prior detention explained:

Defendant was previously released on conditions, but she violated the terms of that release by failing to obtain a substance abuse evaluation and treatment despite repeated reminders and encouragement. Following the hearing on her first Petition for violation of pretrial release, Defendant was given a second chance at release subject to supervision by a third-party custodian. Although she did get commence substance abuse treatment, she was terminated from her employment for absences, failed to advise her supervising officer of her lack of ongoing employment, and provided false information to her supervising officer regarding her unauthorized travel outside Lancaster County. Defendant has engaged in a pattern of either blaming others or providing excuses for her misconduct rather than complying with the court's order.

The court therefore finds Defendant cannot be trusted to comply with conditions of pretrial supervision and, as such, Defendant's release would pose a risk of harm to the community and a risk of flight.

(Filing No. 84).

Following the entry of that order, Defendant pleaded guilty, so she now bears the burden of proving by clear and convincing evidence that she is not a risk of flight or of danger to the community.

The current motion points out that Defendant was complying with the substance abuse restrictions of her pretrial release; that she tested negative for the use of drugs. But the court's detention order, (Filing No. 84), was not based on drug use. Moreover, under 18 U.S.C. § 3142(f), a magistrate judge may review detention only if "information exists that was not known to the movant at the time of the hearing and that has a material bearing" on the amelioration of the risks of nonappearance and safety.

Upon review of Defendant's motion and supporting evidence, the court finds there is no new information submitted which addresses the basis of my prior detention order, and certainly not clear and convincing evidence that she no longer poses a risk of flight or danger to the community.

Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to review detention, (Filing No. 95), is denied.
- 2) The government's motion to restrict, (Filing No. 97), is granted.

May 29, 2019.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge